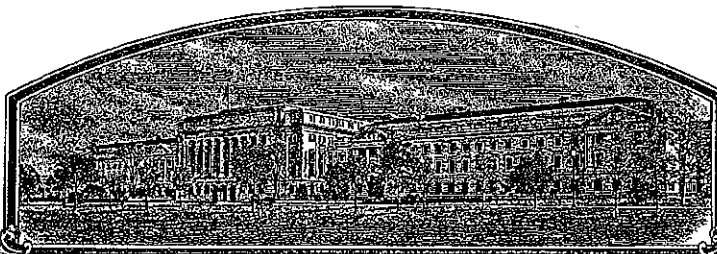


No.

200500037



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Sunlot Weibull A B

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA, FIELD

'SW Marquee'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of December, in the year two thousand and five.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



REPRODUCE LOCALLY. Include form number and date on all reproductions

Form Approved - OMB No. 0561-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

| | | | |
|---|--|---|---|
| 1. NAME OF OWNER SVALÖF WEIBULL AB | | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME SWA 5122 | 3. VARIETY NAME Sw marguer |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) SE 268 81 SVALÖV, SWEDEN | | 5. TELEPHONE (include area code) 46-418-667000 | FOR OFFICIAL USE ONLY INFO NUMBER 200500037 FILING DATE DECEMBER 14, 2004 |
| | | 6. FAX (include area code) 46-418-667100 | |
| 7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) CORPORATION | 8. IF INCORPORATED, GIVE STATE OF INCORPORATION SWEDEN | 9. DATE OF INCORPORATION 1993 | |
| 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) SW SEED LTD. 2-411 DOWNEY RD. SASKATOON, SK S7N 4L8 CANADA | | | FILING AND EXAMINATION FEES: \$ 3,652.00 DATE 12/14/04 CERTIFICATION FEE: \$ 682.00 DATE 8/30/2005 |
| 11. TELEPHONE (include area code) 306-477-5230 | 12. FAX (include area code) 306-477-5239 | 13. E-MAIL howard.love@swseed.se | |
| 14. CROP KIND (Common Name) Field pea | 16. FAMILY NAME (Botanical) Leguminosae | 18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION. | |
| 15. GENUS AND SPECIES NAME OF CROP Pisum sativum | 17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | 20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input type="checkbox"/> NO (if "no", go to item 23) | |
| 19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office) | | 21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED | |
| 23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.) | | 22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.) | |
| 24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.) | | | |
| 25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties. | | | |
| SIGNATURE OF OWNER Howard K. Love | | SIGNATURE OF OWNER | |
| NAME (Please print or type) DR. HOWARD K. LOVE | | NAME (Please print or type) | |
| CAPACITY OR TITLE CDN. RESEARCH DIRECTOR, U.P. | DATE Dec 6/04 | CAPACITY OR TITLE | DATE |

(See reverse for instructions and information collection burden statement)

2005 000 37

Variety: SW Marquee (SW A 5122) Field Pea

Exhibit A: Origin and Breeding History of the Variety

SW A 5122 field pea, was developed at Svalöf Weibull AB, Svalöv, Sweden. (See Confidential Information Package). The original cross was done in 1996. The breeding method was a pedigree method and the variety originates from a single plant selection in F₅. Selection criteria were seed yield, semi-leafed trait, stalk stiffness, retention of yellow colour and early maturity. Breeder seed is derived from a single plant in the F₆ generation.

Origin and Breeding:

SW A 5122 field pea, was developed at Svalöf Weibull AB, Svalöv, Sweden. SW A 5122 is derived from the cross Highlight x Sv C 38114. The original cross was done in 1996.

Sv C 38114 is a selection in a cross between Bohatyr and the old Swedish line Rigel.

Statement of Uniformity and Stability

SW A 5122 is uniform and stable. No offtypes. Stability has been observed for more than two seasons.

There are no variants and no off-types in SW Marquee.

Methods of maintaining the variety.

SW A 5122 is maintained from breeder seed. Breeder seed will be maintained by Svalöf Weibull AB, Sweden and SW Seed Ltd. Saskatoon, SK, Canada.

2

200500037

Variety: SW Marquee (SW A 5122) Field Pea

Exhibit B: Statement of Distinctness

SW A 5122 is a distinct variety, possible to distinguish from other varieties in the marketplace in having the following combination of characters:

Semi-leafless: completely resistant to Powdery Mildew good resistance to Fusarium wilt; white flowers of normal size, round, yellow, smooth seeds; good lodging resistance; early maturity; very high yield; above average protein content; normally developed, green, waxed, medium sized and flecked stipules; pods of medium length and medium width, weak concave curvature with blunt distal part (apex), parchment present and medium ovule number.

SW Marquee most resembles Majoret and Carneval.

SW Marquee can be distinguished from Majoret by having yellow seed and blunt pods.
SW Marquee can be distinguished from Carneval by being powdery mildew resistant.

SW Marquee has yellow seed, whereas the seed color of Majoret is green. Also, SW Marquee has a blunt distal pod end, whereas the distal end of Majoret is pointed.

SW Marquee has the gene *er* and is therefore resistant to powdery mildew, Carneval does not have the *er* gene and is therefore susceptible to powdery mildew.

UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 Science Division
 NATIONAL AGRICULTURAL LIBRARY
 BELTSVILLE, MARYLAND 20705
 OBJECTIVE DESCRIPTION OF VARIETY
 PEA (PISUM SATIVUM)

EXHIBIT C
(Pca)

| | |
|--|--|
| NAME OF APPLICANT(S) SVALÖF WEISULL AB | VARIETY NAME OR TEMPORARY DESIGNATION SW MARVEL (SW A 5122) |
| ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) SE 260 81 SVALÖF, SWEDEN | FOR OFFICIAL USE ONLY PVPO NUMBER 200500037 |

Place the appropriate number that describes the varietal character in the boxes below.

Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less.

1. TYPE:

☒ 2 1 = GARDEN 2 = FIELD 3 = EDIBLE-PODDED

2. MATURITY:

15 Node number of first bloom: No. of days to processing Heat Units

No. of days earlier than 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL

No. of days later than 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

95 CM. HIGH

Cm. Shorter than 1 = ALASKA WR 2 = THOMAS LAXTON WR 3 = LITTLE MARVEL

Cm. Taller than 4 = WANDO 5 = ALDERMAN WR 6 = AUSTRIAN WINTER

4. VINE:

☒ 2 Habit: 1 = DETERMINATE 2 = INDETERMINATE ☒ 2 Stockiness: 1 = SLIM (Alaska) 3 = HEAVY (Alderman)
 2 = MEDIUM (Thomas Laxton WR)

☒ 1 Branching: 1 = NONE (Alaska) 2 = 1-2 BRANCHES (Little Marvel) 3 = MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

☒ 1 Internodes: 1 = STRAIGHT 2 = ZIG ZAG ☒ 2 ☒ 2 NUMBER OF NODES

5. LEAFLETS: SEMI LEAFLESS

☐ Color: 1 = LIGHT GREEN (Alaska WR) 2 = MED. GREEN (Thomas Laxton WR) 3 = DARK GREEN (Alderman)
 4 = OTHER (Specify)

☐ Wax: 1 = NONE 2 = LIGHT 3 = MEDIUM 4 = HEAVY ☐ 1 = NOT MARBLED 2 = MARBLED (Alaska)

☐ Number of leaflet pairs: 1 = NOT PAIRED 2 = ONE 3 = TWO 4 = THREE OR MORE

6. STIPULES:

☒ 2 1 = LACKING 2 = PRESENT ☒ 1 1 = NOT CLASPING 2 = CLASPING

☒ 2 1 = NOT MARBLED 2 = MARBLED ☐ Size (Compared with leaflets): 1 = SMALLER 2 = SAME
 3 = LARGER

☐ Color (Compared with leaflets): 1 = LIGHTER 2 = SAME 3 = DARKER

7. FLOWER COLOR:

☒ 1 VENATION ☒ 1 STANDARD ☒ 1 WING ☒ 1 KEEL 1 = WHITE 2 = GREENISH 3 = LAVENDER
 4 = PURPLE 5 = RED
 6 = OTHER (Specify)

8. PODS:

Color: 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)
4 = OTHER (Specify)

1 Surface: 1 = SMOOTH 2 = ROUGH

2 Surface: 1 = SHINY 2 = DULL

3 Borne: 1 - SINGLE 2 - DOUBLE 3 - SINGLE AND DOUBLE 4 - SINGLE, DOUBLE, & TRIPLE
5 - DOUBLE & TRIPLE 6 - TRIPLE 7 - OTHER (Specify)

| | |
|--|---|
| | 7 |
|--|---|

 CM. LENGTH

| | |
|---|---|
| 1 | 4 |
|---|---|

 MM. WIDTH (Between sutures)

| | |
|--|---|
| | 6 |
|--|---|

 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____

[illegible]

SEEDS (Dry, Mature):

4 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED

1 Surface: 1 - SMOOTH 2 - DIMPLED **2** Surface: 1 - SHINY 2 - DULL

1 Color Pattern: 1 = MONOCOLOR 2 = MOTTLED 3 = STRIPED 4 = DOTTED

Primary Color: 1 = CREAMY-WHITE 2 = CREAM & GREEN 3 = LIGHT GREEN 4 = MEDIUM GREEN
5 = DARK GREEN 6 = BLUE-GREEN 7 = YELLOW 8 = BROWN 9 = RED

Secondary Color: 10 - GRAY 11 - BLACK

Hilum Floor Color: 1 - WHITE 2 - TAN
3 - BLACK

2 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE

| | |
|----|---------------------|
| 21 | GRAMS PER 100 SEEDS |
|----|---------------------|

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

 FUSARIUM WILT

0 ASCOCHYTA BLIGHT

Q MOSAIC

☐ OTHER (Specify) _____

☐ NEAR-WILT.

2 POWDERY MILDEW

 PEA ENATION MOSAIC

0 **DOWNY MILDEW**

BACTERIAL BLIGHT

YELLOW BEAN MOSAIC

11. INSECT: (0= Not Tested; 1 = Susceptible; 2 = Resistant)

APHIDS

OTHER (Specify)

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

| PARENT SOCIETY RESEMBLES THAT SUBMITTED | | | |
|---|-----------------|-------------------|-----------------|
| CHARACTER | NAME OF VARIETY | CHARACTER | NAME OF VARIETY |
| Leafiness | <i>major</i> | Fresh Seed Color | <i>Carnaval</i> |
| Leaf Color | <i>major</i> | Mature Seed Color | <i>Carnaval</i> |
| Pod Color | <i>major</i> | Seed Shape | <i>Carnaval</i> |
| Pod Shape | <i>Carnaval</i> | Plant Habit | <i>major</i> |
| COMMENTS: | | | |

COMMENTS:

5

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

| | | |
|---|---|---|
| 1. NAME OF APPLICANT(S) SVALÖF WEIBULL AB | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER SW A 5122 | 3. VARIETY NAME Sw marquee |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) SE268 81 SVALÖV, SWEDEN | 5. TELEPHONE (include area code) 46-418-667000 | 6. FAX (include area code) 46-418-667100 |
| 7. PVPO NUMBER 200500037 | | |

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☐ YES ☒ NO
If no, give name of country SWEDEN10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?

☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (07-87) (Destroy previous editions).

Electronic version designed using WordPerfect InForms by USDA-AMS-IMB.

6